



**COPY OF PAPERS
ORIGINALLY FILED**

Attorney Docket No: 34826 - 1009

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT OPERATION**

In re Application of: FalconStor Software Inc.

Serial No.: 10/052,208

Group Art Unit:

Filed: 01/17/2002

Examiner:

For: DYNAMIC ALLOCATION OF COMPUTER MEMORY

New York, NY 10022

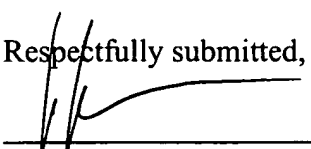
Hon. Commissioner of Patent and Trademarks
BOX MISSING PARTS
Washington, DC 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application, Filing Date Granted, dated February 19, 2002, in the above-identified application, the Commissioner is hereby authorized to charge the statutory basic filing fee as set forth in 37 CFR 1.27 for a small entity to Deposit Account No. 50-0988. Enclosed in response to the Notice to File Missing Parts of Application is a signed Declaration for Utility or Design Patent Application (37 CFR 1.63) by all the inventors, Fee Transmittal Form, Letter to the Official Draftsperson with Corrected Drawings and signed Powers of Attorney. Applicant hereby petitions for a **one month** extension of time to extend the time of response to **May 19, 2002** from **April 19, 2002** with a charge to Deposit Account 50 - 0988 for petition fees and all other fees hereby authorized. A copy of Notice to File Missing Parts of Application under 1.53(b) is also enclosed.

Respectfully submitted,


John M. Johnson
Reg. No. 33,334

MAILING ADDRESS

KAYE SCHOLER LLP
425 Park Avenue
New York, New York 10022
(212) 836 - 7790



IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

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Patent Application

Inventor: NILES, Ronald S. et al.

Case: 34826 - 1009

Serial No.: 10/052,208

Examiner:

Filing Date: January 17, 2002

Group Art Unit:

Title: DYNAMIC ALLOCATION OF COMPUTER MEMORY

LETTER TO THE OFFICIAL DRAFTSPERSON

THE COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D. C. 20231

Attention: Official Draftsperson

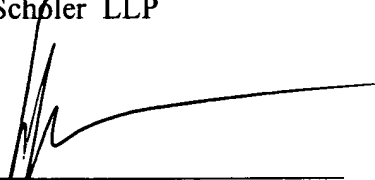
Sir:

Enclosed are formal drawings for Figure 1 through 8 to be used in lue of the informal drawings currently in the above identified patent application.

Respectfully,

Kaye Scholer LLP

By



John M. Johnson
Reg. No. 33,334
(212) 836 - 7790

Date: April 25, 2002
Enclosure



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PTO/SB/17 (11-01)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 901.00

Compleat if Known

Application Number 10/052,208
Filing Date 01/17/2002
First Named Inventor NILES, Ronald S.
Examiner Name
Group Art Unit
Attorney Docket No. 34836-1009

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number Kaye Scholer LLP
Deposit Account Number 50-0988
Deposit Account Name

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101	201	740	370	Utility filing fee	370.00
106	206	330	165	Design filing fee	
107	207	510	255	Plant filing fee	
108	208	740	370	Reissue filing fee	
114	214	160	80	Provisional filing fee	

SUBTOTAL (1) (\$ 370.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims 33 -20** = 13 x 9.00 = 117.00
Independent Claims 10 -3** = 7 x 42.00 = 294.00
Multiple Dependent
Fee from below Fee Paid

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
103	203	18	9	Claims in excess of 20	
102	202	84	42	Independent claims in excess of 3	
104	204	280	140	Multiple dependent claim, if not paid	
109	209	84	42	** Reissue independent claims over original patent	
110	210	18	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ 411.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105	205	130	65	Surcharge - late filing fee or oath	65.00
127	227	50	25	Surcharge - late provisional filing fee or cover sheet	
139	139	130	130	Non-English specification	
147	147	2,520	2,520	For filing a request for ex parte reexamination	
112	112	920*	920*	Requesting publication of SIR prior to Examiner action	
113	113	1,840*	1,840*	Requesting publication of SIR after Examiner action	
115	215	110	55	Extension for reply within first month	55.00
116	216	400	200	Extension for reply within second month	
117	217	920	460	Extension for reply within third month	
118	218	1,440	720	Extension for reply within fourth month	
128	228	1,960	980	Extension for reply within fifth month	
119	219	320	160	Notice of Appeal	
120	220	320	160	Filing a brief in support of an appeal	
121	221	280	140	Request for oral hearing	
138	138	1,510	1,510	Petition to institute a public use proceeding	
140	240	110	55	Petition to revive - unavoidable	
141	241	1,280	640	Petition to revive - unintentional	
142	242	1,280	640	Utility issue fee (or reissue)	
143	243	460	230	Design issue fee	
144	244	620	310	Plant issue fee	
122	122	130	130	Petitions to the Commissioner	
123	123	50	50	Processing fee under 37 CFR 1.17(q)	
126	126	180	180	Submission of Information Disclosure Stmt	
581	581	40	40	Recording each patent assignment per property (times number of properties)	
146	246	740	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	249	740	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	279	740	370	Request for Continued Examination (RCE)	
169	169	900	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 120.00

SUBMITTED BY

Name (Print/Type) John M. Johnson

Registration No. 33,334
(Attorney/Agent)

Complete (if applicable)

Telephone (212) 836 - 7790

Signature

Date April 25, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.